

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NAHA HAMCHOU,

Plaintiff,

v.

Case No.

Hon.

Magistrate:

LUIS GARCIA and MARTINEZ PRODUCE
& SEAFOOD, INC.,

Defendants.

L. LOUIE ANDREOPoulos (P45136)
DAVID T. HILL (P48771)
ANDREOPoulos & HILL, PLLC
Attorneys for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067
(248) 399-9991/Fax: (248) 399-9996
injuryattorneys@andhilllaw.com

TIMOTHY J. JORDAN (P46098)
GARAN LUCOW MILLER, P.C.
Attorneys for Defendants
1155 Brewery Park Blvd., Ste. 200
Detroit, MI 48207-2641
(313) 446-5531/Fax: (313) 259-0450
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**DEFENDANTS' NOTICE OF REMOVAL PURSUANT TO
28 U.S.C. §1446(b)**

PLEASE TAKE NOTICE that Defendants LUIS GARCIA ("Garcia") and MARTINEZ PRODUCE & SEAFOOD, INC. ("Martinez") (collectively "Defendants"), by and through their counsel, hereby remove the matter entitled *Naha Hamchou v. Luis Garcia and Martinez Produce & Seaford, Inc.*, Case No: 21-191390-NO, currently pending in the Circuit Court for the County of Oakland, to the United States District Court for the Eastern District of Michigan. The bases for removal are set forth below.

STATEMENT OF GROUNDS FOR REMOVAL

1. State Court Action. This is an action initially filed in the Circuit Court for the County of Oakland, State of Michigan on December 1, 2021, being number 21-191390-NO on the docket of said Court, asserting a claim against Defendants LUIS GARCIA and MARTINEZ PRODUCE & SEAFOOD, INC., for negligence, owner's liability, negligent entrustment and Respondeat Superior. (Complaint, **Exhibit 1**)

2. This Notice of Removal is being filed within thirty (30) days after receiving notice of the complaint by service or otherwise as required by 28 U.S.C. §1446(b); service by mail (414 N. Orleans St., Chicago, IL 60654) on Defendant's Registered Agent (Kurt Kauffman) having occurred on December 29, 2021.

3. This Court has jurisdiction over this case based on diversity of citizenship pursuant to 28 U.S.C. §1332(a).

4. Citizenship of Parties. The Plaintiff, as alleged in Paragraph 1 of the Complaint is a resident of the United States, State of Michigan. (**Exhibit 1**) Defendant LUIS GARCIA is a resident of the United States, State of Illinois (UD-10, **Exhibit 2**). Defendant MARTINEZ PRODUCE & SEAFOOD, INC. is an Illinois corporation (Corporate document, **Exhibit 3**). For the purpose of this removal, Plaintiff is a citizen of the State of Michigan and all Defendants are citizens of the State of Illinois; therefore, there exists diversity of citizenship between the Plaintiff and Defendants and this Court has jurisdiction pursuant to 28 U.S.C. §1332.

5. Amount in Controversy. Plaintiff generally alleges that the amount on controversy exceeds \$25,000.00 as required to establish state circuit court jurisdiction. Defendants further state that, pursuant to Fed. R. Civ. P. 81 and L.R. 81.1, the amount in controversy based on the damages alleged exceeds \$75,000.00 (exclusive of fees, costs and interest), the jurisdictional amount required under diversity actions.

In support of Defendants' good faith belief that Plaintiff values this matter in an amount greater than \$75,000.00, Defendants direct this Court to the damages alleged by Plaintiff which include "serious and disabling injuries to her skeletal system, nervous system, and the muscles, tendons, ligaments, nerves and tissues of her legs, feet, knees, and other parts of her body, as well as other serious and disabling injuries, including injuries requiring surgical intervention . . ." (**Exhibit 1**, ¶12) Further, it is alleged that "Plaintiff suffered, continues to suffer and will continue to suffer great pain, discomfort, embarrassment, humiliation, mental anguish, depression, gross anxiety, indignity, and inconvenience." (**Exhibit 1**, ¶13) And finally, according to Plaintiff's complaint "due to the permanent nature of said injuries, Plaintiff has suffered lost wages, has become disabled, and has suffered a diminishment of his potential earning capacities and excess wage loss." (**Exhibit 1**, ¶14) As further evidence of Defendants' good faith belief that Plaintiff seeks damages in excess of \$75,000.00. Upon information and belief Plaintiff has already incurred in excess of \$70,000.00 in Personal Injury Protection ("PIP") benefits

through her personal carrier, Liberty Mutual Insurance.

State Court Documents Attached. A Summons and Complaint were served upon the Defendants LUIS GARCIA and MARTINEZ PRODUCE & SEAFOOD, INC. on December 29, 2021 via certified mail to Martinez Produce & Seafood, Inc.'s Registered Agent, Kurt Kauffman at 414 N. Orleans St., Chicago, IL 60654. Removal is timely under 28 U.S.C. §1446(b). Defendants have not appeared in the Circuit Court for the County of Oakland, State of Michigan. Attached hereto is a copy of the Summons and Complaint as they were served upon the Defendant Defendants LUIS GARCIA and MARTINEZ PRODUCE & SEAFOOD, INC., via certified mail.

7. The Other Removal Prerequisites Have Been Satisfied.

Defendants have consented to this removal.

No Defendants in this action have sought similar relief with respect to this matter.

The prerequisites for removal under 28 U.S.C. §1441 have been met.

The allegations of this notice are true and correct and this cause is within the jurisdiction of the United States District Court for the Eastern District of Michigan.

8. Relief Requested. Defendants LUIS GARCIA and MARTINEZ PRODUCE & SEAFOOD, INC., being defended by GARAN LUCOW MILLER, P.C., consent and respectfully request the United States District Court for the Eastern District of Michigan accept this Notice of Removal and that it assume jurisdiction

of this cause and issue such further orders and processes that may be necessary to bring before it all parties necessary for the trial hereof.

GARAN LUCOW MILLER, P.C.

/s/Timothy J. Jordan
TIMOTHY J. JORDAN (P46098)
Attorneys for Defendants
1155 Brewery Park Blvd., Ste. 200
Detroit, MI 48207
(313) 446-5531
tjordan@garanlucow.com
P46098

Dated: January 19, 2022
#4942950

EXHIBIT 1

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN		CASE NO.	
JUDICIAL DISTRICT Oakland, 6th JUDICIAL CIRCUIT COUNTY PROBATE		SUMMONS	2021-191390-N1
Court address 1200 N. Telegraph Road, Pontiac, MI 48340		Court telephone no. 248-858-0344	
Plaintiff's name(s), address(es), and telephone no(s). NAHA HAMCHOU		Defendant's name(s), address(es), and telephone no(s). MARTINEZ PRODUCE & SEAFOOD, INC. Kurt A. Kauffman, Resident Agent 414 N. Orleans St, Ste. 210 Chicago, IL, 60654	
Plaintiff's attorney, bar no., address, and telephone no. L. LOUIE ANDREOPoulos (P45136) DAVID T. HILL (P48771) Andreopoulos & Hill, PLLC 28900 Woodward Avenue, Royal Oak, MI 48067 (248) 399-9991		This case has been designated as an eFiling case, for more information please visit www.oakgov.com/efiling .	

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.

It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.

MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).

There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.

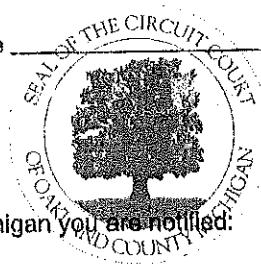
A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where
it was given case number _____ and assigned to Judge _____.

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date	Expiration date*	Court clerk
12/2/2021	3/2/2022	Lisa Brown

*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NAHA HAMCHOU,

2021-191390-NI

Plaintiff,

JUDGE KWAME' L. ROWE

Case No. 21-_____ -NI

vs.

HON. _____

LUIS GARCIA and MARTINEZ PRODUCE &
SEAFOOD, INC.,

Defendants.

L. LOUIE ANDREOPoulos (P45136)

DAVID T. HILL (P48771)

ANDREOPoulos & HILL, PLLC

Attorneys for Plaintiff

28900 Woodward Avenue

Royal Oak, MI 48067

248-399-9991; Fax 248-399-9996

injuryattorneys@andhilllaw.com

There is NO prior pending or resolved civil action arising out of the same
transaction or occurrence as alleged in this Complaint.

ANDREOPoulos & HILL, PLLC

L. Louie Andreopoulos

DAVID T. HILL (P48771)

L. LOUIE ANDREOPoulos (P45136)

COMPLAINT AND DEMAND FOR JURY TRIAL

NOW COMES the Plaintiff, NAHA HAMCHOU, by and through her attorneys,
ANDREOPoulos & HILL, PLLC, and in support of her Complaint against Defendants, jointly and
severally, shows unto this Honorable Court as follows:

GENERAL ALLEGATIONS

1. That the Plaintiff was, at all relevant times hereto, a resident of the County of Oakland,
State of Michigan.

2. That the Defendant LUIS GARCIA, is a resident of the City of Chicago, State of Illinois, his address being 4852 W. Argyle, Chicago, Illinois 60630.

3. That the Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., is a company licensed to do business in the State of Illinois and, at all times relevant hereto, was conducting business in the County of Oakland, State of Michigan.

4. That as a direct and proximate result of the aforesaid negligence and breaches of duties of the Defendants, Plaintiff was made to suffer serious and disabling injuries to her skeletal system, nervous system, and the muscles, tendons, ligaments, nerves, and tissues of her legs, feet, knees, and other parts of her body, as well as other serious and disabling injuries, including injuries requiring surgical intervention, the nature and extent of which are not fully known at this time.

5. That this case involves a motor vehicle accident, which occurred in the County of Oakland, State of Michigan, on December 3, 2018.

6. That on or about December 3, 2018, upon information and belief, the Defendant, LUIS GARCIA, was the operator of a 2016 Freightliner bearing VIN: 3ALACWDT96DHC9427 and Illinois plate no. 142300H, and that Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., was the titled owner of said vehicle.

COUNT 1: Negligence by Defendant, LUIS GARCIA

7. Plaintiff herein re-incorporates by reference and re-alleges the preceding paragraphs of the General Allegations of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

8. That on or about December 3, 2018, Plaintiff was operating a motor vehicle traveling westbound on Oakpark Boulevard at Roanoke in the City of Oak Park when Defendant, LUIS GARCIA, while operating Defendant, MARTINEZ PRODUCE & SEAFOOD, INC.'s, vehicle, who was traveling southbound on Roanoke when Defendant, LUIS GARCIA, failed to stop pursuant to a

stop sign and in disregard of Plaintiff's right of way, striking Plaintiff's vehicle with great force and impact causing the Plaintiff to sustain serious and disabling injuries to be more fully set forth below.

9. That at all times relevant and material hereto, it was the duty of the Defendant, LUIS GARCIA, to operate his vehicle in a safe and reasonable manner and exercise such due care in such vehicle's operation as the rules of common law require and in accordance with the laws of the State of Michigan and all subdivisions thereof having jurisdiction.

10. That, contrary to the duties set forth herein, the Defendant, LUIS GARCIA, was negligent, careless, reckless, and guilty of willful and wanton disregard of the lives and safety of individuals such as Plaintiff in the operation of the aforesaid motor vehicles by Defendants and breached the aforesaid duties owed to Plaintiff including, by way of illustration and not limitation:

- A. Operating said vehicle in reckless disregard for other users on the road, including, among others, failure to heed traffic control devices, failure to maintain proper lookout for other users on the road, and failure to yield, in violation of MCLA 257.627, et seq.
- B. Disobeying the instructions of a traffic control device, in violation of MVC 257.611.
- C. Failing to operate Defendant's vehicle at a speed, which was reasonable and proper, and within consideration for the then-existing conditions.
- D. Failing to operate Defendant's vehicle in a reasonably careful and prudent manner and/or failing to observe the presence of other users of the road.
- E. Driving Defendant's vehicle carelessly and heedlessly in willful disregard of the safety of others, without due caution and circumspection, so as to endanger persons and property.
- F. Failing to make reasonable and proper observations and draw reasonable and proper conclusions, which were necessary at the time so as to avoid striking other vehicles.
- G. Failing to stop in the assured clear distance ahead.
- H. Improper lane usage.
- I. Committing other acts and/or omissions, which constitute breaches of duties owed Plaintiff with respect to the operation of a motor vehicle, which Plaintiff reserves the right to add at a later date.

11. That in the happening of the aforesaid accident, Plaintiff was not negligent, but was at all times conducting herself in reasonable and prudent manner.

12. That as a direct and proximate result of the aforesaid negligence and breaches of duties of the Defendants, Plaintiff was made to suffer serious and disabling injuries to her skeletal system, nervous system, and the muscles, tendons, ligaments, nerves, and tissues of her legs, feet, knees, and other parts of her body, as well as other serious and disabling injuries, including injuries requiring surgical intervention, the nature and extent of which are not fully known at this time.

13. That as a result of the aforesaid accident, the Plaintiff suffered, continues to suffer, and will continue to suffer great pain, discomfort, embarrassment, humiliation, mental anguish, depression, gross anxiety, indignity, and inconvenience.

14. That due to the permanent nature of said injuries, Plaintiff has suffered lost wages, has become disabled, and has suffered a diminishment of his potential earning capacities and excess wage loss.

15. That prior to the accident, Plaintiff was in reasonably good health and was able to and did participate in and enjoy the usual activities of life, but since said accident, Plaintiff has been under medical care and in a state of pain, stress, and/or discomfort, all preventing her from engaging in many of those activities she engaged in prior to the accident.

16. That as a direct and proximate result of the aforesaid breaches of duties and the negligence of the Defendant, the Defendant's vehicle collided with great force and impact, causing Plaintiff to suffer severe, serious, painful, permanent, and disabling injuries, and the Plaintiff has suffered serious impairments of important body function(s) and/or permanent and serious disfigurements.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant judgment against the Defendants, jointly and severally, for whatever amount in excess of Twenty-Five Thousand and

00/100 (\$25,000.00) Dollars to which Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT II: Owner's Liability – MARTINEZ PRODUCE & SEAFOOD, INC.

17. Plaintiff herein re-incorporates by reference and re-alleges the preceding paragraphs of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

18. That on or about December 3, 2018, Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., was the owner of said vehicle being operated by Defendant, LUIS GARCIA.

19. That on or about December 3, 2018, Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC., knew or should have known that Defendant Driver, LUIS GARCIA, was operating said motor vehicle.

20. That Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., as the owner of said vehicle, is liable for any and all damages caused by the negligent operation of said motor vehicle pursuant to MCLA 257.401.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant judgment against the Defendants, jointly and severally, for whatever amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars to which Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT III: Negligent Entrustment – MARTINEZ PRODUCE & SEAFOOD, INC.

21. Plaintiff herein re-incorporates by reference and re-alleges the preceding paragraphs of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

22. That on or about December 3, 2018, Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC., entrusted said vehicle, a potentially dangerous instrumentality, to the Defendant, LUIS GARCIA, whom Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., knew, or should

have known, was not a reasonably prudent driver and who may endanger others with said instrumentality.

23. That Defendant, MARTINEZ PRODUCE & SEAFOOD, INC., is liable for any and all damages caused by the negligence of Defendant, LUIS GARCIA, with respect to said vehicle.

WHEREFORE, Plaintiff respectfully request that this Honorable Court grant judgment against the Defendants, jointly and severally, for whatever amount in excess of Twenty-Five Thousand and 00/100 (\$25,000.00) Dollars to which Plaintiff is found to be entitled, together with interest, costs, and attorney fees.

COUNT IV: Respondeat Superior

24. Plaintiff herein re-incorporates by reference and re-alleges the preceding of this Complaint with the same force and effect as if same were set forth in full hereunder, and further states:

25. That on or about December 3, 2018, Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC., was the owner of said vehicle operated by Defendant, LUIS GARCIA.

26. That on or about December 3, 2018, Defendant LUIS GARCIA was the employee, servant, and agent of said Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC.

27. That Defendant, LUIS GARCIA, was operating said motor vehicle with the express and/or implied consent of Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC.

28. That on or about December 3, 2018, Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC., knew or should have known that the Defendant Owner's employee, LUIS GARCIA, was operating said motor vehicle.

29. That Defendant LUIS GARCIA was operating said motor vehicle during the course of employment for Defendant Owner, MARTINEZ PRODUCE & SEAFOOD, INC., and during the course of his regular duties a driver for said Defendant Owner.

30. That Defendant Owner, J MARTINEZ PRODUCE & SEAFOOD, INC., is liable for the negligent operation of their vehicle by said servant, employee and agent, pursuant to the Doctrine of Respondeat Superior.

WHEREFORE, Plaintiff herein prays that this Honorable Court grant judgment in favor of Plaintiff and against the Defendants in an amount this Honorable Court deems Plaintiff is entitled for compensatory damages, including Plaintiff's damages incurred after the filing of this Complaint, and further grant Plaintiff injunctive relief requiring Defendants to pay for those expenses incurred by Plaintiff or requiring authorization from Defendants during the pendency of this action, and in addition thereto, interest, costs, penalties and Plaintiff's actual attorney fees as provided by statute.

Respectfully submitted,

ANDREOPoulos & HILL, PLLC

/S/ L. Louie Andreopoulos

DAVID T. HILL (P48771)
L. LOUIE ANDREOPoulos (P45136)
Attorney for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067
(248) 399-9991

DATED: December 1, 2021

Law Offices of Andreopoulos & Hill, PLLC
28900 Woodward Avenue
Royal Oak, MI 48067
(248) 399-9991; Fax 248-399-9996

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NAHA HAMCHOU,

2021-191390-NI

Plaintiff,

JUDGE KWAME¹ L. ROWE

vs.

Case No. 21-_____ -NI

LUIS GARCIA and MARTINEZ PRODUCE &
SEAFOOD, INC.,

HON. _____

Defendants.

L. LOUIE ANDREOPoulos (P45136)

DAVID T. HILL (P48771)

ANDREOPoulos & HILL, PLLC

Attorneys for Plaintiff

28900 Woodward Avenue

Royal Oak, MI 48067

248-399-9991; Fax 248-399-9996

injuryattorneys@andhilllaw.com

DEMAND FOR JURY TRIAL

Plaintiff, NAHA HAMCHOU, by and through her attorneys, ANDREOPoulos & HILL, PLLC, hereby demands a trial by jury in the above-entitled action.

Respectfully submitted,

ANDREOPoulos & HILL, PLLC

/Q/ L. Louie Andreopoulos

L. LOUIE ANDREOPoulos (P45136)

DAVID T. HILL (P48771)

Attorney for Plaintiff

28900 Woodward Avenue

Royal Oak, MI 48067

(248) 399-9991

DATED: December 1, 2021

EXHIBIT 2

Authority: 1949 PA 300, Sec.257.622
 Compliance: Required MSP UD-10E
 Penalty: \$100 and/or 90 days (Rev 01/2016)

External # 0951242 Crash ID 1575524

Page 01 of 01
 File Class 3145

Incident # 180013685

Reviewer BENSON (01136)

STATE OF MICHIGAN TRAFFIC CRASH REPORT

ORI MI 6362800		Department Name Oak Park Police Department							
Crash Date 12/03/2018	Crash Time 18:13	No. of Units 02	Crash Type Angle	Special Circumstances <input checked="" type="radio"/> None <input type="radio"/> Fleeing Police <input type="radio"/> Unknown	O Hit and Run <input type="radio"/> <input type="radio"/>	O School Bus <input type="radio"/> <input type="radio"/>	Special Checks <input type="radio"/> Fatal <input type="radio"/> Non-Traffic Area <input type="radio"/> ORV/Snowmobile		
County 63 - Oakland	Traffic Control Stop Sign		Relation to Roadway On the Road		Weather Clear	Area NON-FRWY Straight Roadway			
City/Twp 83 - Oak Park	Contributing Circumstances 1st None			2nd	Light Dark-Unlighted	Road Surface Condition Dry	Total Lanes 02	Speed Limit 25	Posted Yes
Work Zone (if applicable) Type Workers Present Activity Location									

LOCATION	Prefix ROANOKE	Road Type			Suffix	Divided Roadway	
	Distance / Direction 5 Feet N	Trafficway Not Physically Divided					
	Prefix OAK PARK BLVD	Road Type			Suffix	Divided Roadway	

Unit Number 01	Unit Known Yes	State IL	Driver License Number P62652189319	Date of Birth (Age) 11/09/1989 (29)	License Type <input checked="" type="radio"/> Operator <input type="radio"/> Chauffeur <input type="radio"/> Moped	Endorsements <input type="radio"/> Cycle <input type="radio"/> Farm <input type="radio"/> Recreation	Sex M	Total Occupants 01	Hazardous Action Failed to Yield	
Unit Type MV	Driver Information LUIS GARCIA 4852 W ARGYLE CHICAGO, IL 60630 (773) 682-7300				Driver is Owner No	Injury O	Position Front - Left	Restraint Shoulder and Lap Belt		
Driver Condition at Time of Crash 1st Appeared Normal				Driver Distracted By Not Distracted			Ejected	Trapped	Airbag Deployed Not Deployed	
Hospital NONE				Ambulance NONE						
Alcohol Suspected No	Contributing Factor No	Alcohol Test Type <input type="radio"/> Breath <input type="radio"/> Blood <input type="radio"/> Field <input type="radio"/> PBT	O Urine <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Alcohol Test Results <input type="radio"/> Pending <input type="radio"/>	Test Results: <input type="radio"/> <input type="radio"/>		Interlock Device No			
Drug Suspected No	Contributing Factor No	Drug Test Type <input type="radio"/> Blood <input type="radio"/> Urine <input type="radio"/> Field <input checked="" type="radio"/>	O Refused <input type="radio"/> <input checked="" type="radio"/> <input type="radio"/>	Drug Test Results <input type="radio"/> Pending <input type="radio"/>	Test Results: <input type="radio"/> <input type="radio"/>		Citation Issued <input type="radio"/> Hazardous <input type="radio"/> Other			
Vehicle Registration 142300H	State IL	Vehicle Description	Year 2016	Make FREIGHTLINER	Model			Color		
VIN 3ALACWDT96DHC9427		Vehicle Type Truck / Bus		Special Vehicles Not Applicable		Private Trailer Type		Vehicle Defect		
Automation System(s) in Vehicle		Automation System Level in Vehicle						Automation System Level Engaged at Time of Crash		
Insurance Company GENERAL			Insurance Policy # CBA1308466			Towed By			Towed To	
Location of Greatest Damage 07	First Impact 07	Extent of Damage (Power Unit and/or Trailers) Minor Damage	Vehicle Direction S	Vehicle Use Private				Action Prior Going Straight Ahead		
Sequence of Events (● indicates MOST harmful event)	First ● 17 - Motor Veh in Transport	Second	Third	Fourth						

PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position			Restraint
						Injury	Ejected	Trapped	Airbag Deployed
Hospital			Ambulance						
PASSENGERS	Passenger Information			Date of Birth (Age)	Sex	Position			Restraint
						Injury	Ejected	Trapped	Airbag Deployed
Hospital			Ambulance						

TRUCK/ BUS	Carrier Information MARTINEZ SEAFOOD/PRODUCE 1822 WEEG PARK RIDGE, IL 60068				USDOT 000001762933	MC	MPSC	
	Driver's CDL Type None		Endorsements <input type="radio"/> O <input type="radio"/> P <input type="radio"/> O T <input type="radio"/> O N <input type="radio"/> O S <input checked="" type="radio"/> O X	CDL Exempt <input type="radio"/> Farm <input type="radio"/> Other				
OWNERS	GVWR/GCWR O 10,000 lbs. or Less ● 10,001 - 26,000 lbs. O Greater than 26,000 lbs.	Vehicle Configuration Single-Unit 3+ Axles		Cargo Body Type 1	Medical Card No	Hazardous Material O Placard O Cargo Spill	ID #	Class #

OWNERS	Owner Information			Owner Information					
	Damaged Property			Public	Owner & Phone				

UNIT / DRIVER	Unit Number 02	Unit Known Yes	State MI	Driver License Number H520622008406	Date of Birth (Age) 05/30/1970 (48)	License Type ● Operator ○ Chauffeur ○ Moped	Endorsements ○ Cycle ○ Farm ○ Recreation	Sex F	Total Occupants 01	Hazardous Action None			
	Unit Type MV	Driver Information NAHA HAMCHOU 23450 ONEIDA ST OAK PARK, MI 48237-2242 (248) 836-7575				Driver is Owner No	Injury C	Position Front - Left			Restraint Shoulder and Lap Belt		
	Driver Condition at Time of Crash 1st Appeared Normal					Driver Distracted By Not Distracted			Ejected	Trapped	Airbag Deployed Not Deployed		
	Hospital	MCLAREN OAKLAND				Ambulance HURON VALLEY AMBULANCE INC							
	Alcohol Suspected No	Contributing Factor No	Alcohol Test Type ○ Breath ○ Blood ○ Field ○ PBT	○ Urine ○ Refused ● Not Offered	Alcohol Test Results ○ Pending	Test Results:			Interlock Device No				
	Drug Suspected No	Contributing Factor No	Drug Test Type ○ Blood ○ Urine ○ Field	○ Refused ● Not Offered	Drug Test Results ○ Pending	Test Results:			Citation Issued ○ Hazardous ○ Other				
	Vehicle Registration DMW4325	State MI	Vehicle Description 2008	Year 2008	Make FORD	Model FOCUS			Color SILVER				
	VIN 1FAHP35N78W267655	Vehicle Type Passenger Car, SUV, Van	Special Vehicles Not Applicable			Private Trailer Type			Vehicle Defect				
	Automation System(s) in Vehicle		Automation System Level in Vehicle				Automation System Level Engaged at Time of Crash						
	Insurance Company ALL STATE			Insurance Policy # ADS24B1247967087			Towed By			Towed To			
Location of Greatest Damage 01	First Impact 01	Extent of Damage (Power Unit and/or Trailers) Minor Damage		Vehicle Direction W	Vehicle Use Private			Action Prior Going Straight Ahead					
Sequence of Events	First ● 17 - Motor Veh in Transport (● indicates MOST harmful event)	Second	Third	Fourth									
PASSENGERS	Passenger Information				Date of Birth (Age)	Sex	Position			Restraint			
					Injury	Ejected	Trapped	Airbag Deployed					
	Hospital				Ambulance								
	Passenger Information				Date of Birth (Age)	Sex	Position			Restraint			
					Injury	Ejected	Trapped	Airbag Deployed					
	Hospital				Ambulance								
	Carrier Information					USDOT			MC		MPSC		
						Driver's CDL Type	Endorsements ○ H ○ P ○ T ○ N ○ S ○ X		CDL Exempt ○ Farm ○ Other				
	GVWR/GCWR ○ 10,000 lbs. or Less ○ 10,001 - 26,000 lbs. ○ Greater than 26,000 lbs.			Vehicle Configuration		Cargo Body Type		Medical Card		Hazardous Material ○ Placard ○ Cargo Spill	ID #	Class #	
	Owner Information MOHAMED MOYAD KAZKAZ 23450 ONEIDA ST OAK PARK 48237					Owner Information							
WITNESS	Witness Information				Witness Information								
	Investigated at Scene Yes	Reported Date (Time) 12/03/2018 (18:13)	1st Investigator Name (Badge) TURNER (1169)	2nd Investigator Name (Badge)			Photos No						
Narrative I WAS DISPATCHED TO THE LISTED LOCATION FOR AN ACCIDENT. I SPOKE TO THE DRIVER OF VEHICLE 1 WHO STATED THAT HE WAS PROCEEDING THROUGH THE STOP SIGN AFTER STOPPING. HE STATED THAT VEHICLE 2 THEN HIT HIS VEHICLE. HE STATED THAT HE BELIEVED THE DRIVER WAS ON HER CELL PHONE. HE STATED THAT HE WENT TO CHECK ON HER AND SHE BEGAN YELLING AT HIM ABOUT PULLING OUT IN FRONT OF HIM. I SPOKE TO THE DRIVER OF VEHICLE 2. SHE STATED THAT SHE WAS TRAVELING W/B WHEN THE TRUCK PULLED OUT IN FRONT OF HER. SHE STATED THAT HER VEHICLE THEN STRUCK THE TRUCK. WHILE SPEAKING WITH THE DRIVER SHE DID COMPLAIN OF SOME STOMACH PAIN. THE DRIVER ASKED FOR MYSELF TO CALL HER HUSBAND SINCE SHE DIDN'T HAVE A PHONE. WHILE THE DRIVER WAS BEING TREATED BY HVA, I CONTACTED HER HUSBAND AT THE HOUSE.	Diagram 												

EXHIBIT 3

cyberdriveillinois.com is now ilsos.gov



Office of the Secretary of State Jesse White
ilsos.gov

Corporation/LLC Search/Certificate of Good Standing

Corporation File Detail Report

File Number 64680129

Entity Name MARTINEZ PRODUCE & SEAFOOD, INC.

Status
ACTIVE

Entity Information

Entity Type
CORPORATION

Type of Corp
DOMESTIC BCA

Incorporation Date (Domestic)
Friday, 3 February 2006

State
ILLINOIS

Duration Date
PERPETUAL

Agent Information

Name

KURT A KAUFFMAN

Address

414 N ORLEANS ST STE 210
CHICAGO , IL 60654

Change Date

Friday, 12 April 2013

Annual Report

Filing Date

00/00/0000

For Year

2022

Officers

President

Name & Address

TEODORO MARTINEZ 340 N SACRAMENTO BLVD CHGO IL 60612

Secretary

Name & Address

JESUS MARTINEZ SAME

[Return to Search](#)[File Annual Report](#)[Adopting Assumed Name](#)[Articles of Amendment Effecting A Name Change](#)[Change of Registered Agent and/or Registered Office](#)

(One Certificate per Transaction)

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NAHA HAMCHOU,

Case No.

Hon.

Magistrate:

V.

Plaintiff,

LUIS GARCIA and MARTINEZ PRODUCE
& SEAFOOD, INC.,

Defendants.

L. LOUIE ANDREOPoulos (P45136)
DAVID T. HILL (P48771)
ANDREOPoulos & HILL, PLLC
Attorneys for Plaintiff
28900 Woodward Avenue
Royal Oak, MI 48067
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injuryattorneys@andhilllaw.com

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Attorneys for Defendants
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tjordan@garanlucow.com
lpowell@garanlucow.com

AFFIDAVIT

TIMOTHY J. JORDAN, being first duly sworn, deposes and says, that he is associated with the law firm of GARAN LUCOW MILLER, P.C. and that he has been charged with the defense and representation of LUIS GARCIA and MARTINEZ PRODUCE & SEAFOOD, INC., Defendants herein; that in such capacity he has prepared the foregoing Notice for Removal of Civil Action to the United States District Court, Eastern District of Michigan, Southern Division, that

the matters set forth in said Notice are true except as to those matters stated herein to be upon information and belief as to which matters he is informed and believes same to be true.

Further deponent sayeth not.

/s/Timothy J. Jordan

TIMOTHY J. JORDAN (P46098)

Subscribed and sworn to before me
this 19th day of January 2021.

/s/Monica Parent

Notary Public
County of Wayne, State of Michigan
Acting in Wayne County
My Commission Expires: 06/28/2022

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

NAHA HAMCHOU,

Plaintiff,

v.

Case No.

Hon.

Magistrate:

LUIS GARCIA and MARTINEZ PRODUCE
& SEAFOOD, INC.,

Defendants.

PROOF OF SERVICE

I hereby certify that on **January 19, 2022**, my assistant, Laura A. Powell, electronically filed the foregoing document with the United States District Court, Eastern District of Michigan, Southern Division using the ECF System which will send notification to all counsel of record and served the Wayne County Circuit Court Clerk using the MiFile System which will send notification of such filing to counsel of record.

GARAN LUCOW MILLER, P.C.

/s/Timothy J. Jordan

TIMOTHY J. JORDAN (P46098)

Attorneys for Defendants

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Detroit, MI 48207

(313) 446-5531

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4942950

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NAHA HAMCHOU,

Case No. 21-191390-NI
Hon. Kwame' L. Rowe

Plaintiff,

v.

LUIS GARCIA and MARTINEZ PRODUCE
& SEAFOOD, INC.,

Defendants.

L. LOUIE ANDREOPoulos (P45136)
DAVID T. HILL (P48771)
ANDREOPoulos & HILL, PLLC
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lpowell@garanlucow.com

**NOTICE OF FILING OF NOTICE OF REMOVAL
PURSUANT TO 28 U.S.C. §1446(b)**

TO: Oakland County Clerk of the Court
L. Louie Andreopoulos, Esq./David T. Hill, Esq.

PLEASE TAKE NOTICE that a Notice of Removal of the entitled action from the Oakland County Circuit Court, State of Michigan, to the United States District Court for the Eastern District of Michigan, a copy of which is attached hereto, was duly filed on January 19, 2022, in the United States District Court for the Eastern District of Michigan.

GARAN LUCOW MILLER, P.C.

/s/Timothy J. Jordan
TIMOTHY J. JORDAN (P46098)
Attorneys for Defendants
1155 Brewery Park Blvd., Ste. 200
Detroit, MI 48207
(313) 446-5531
tjordan@garanlucow.com

Dated: January 19, 2022
#4943332

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

NAHA HAMCHOU,

Case No. 21-191390-NI
Hon. Kwame' L. Rowe

Plaintiff,

v.

LUIS GARCIA and MARTINEZ PRODUCE
& SEAFOOD, INC.,

Defendants.

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PROOF OF SERVICE

I hereby certify that on **January 19, 2022**, my assistant, Laura Powell, electronically filed the foregoing document with the Clerk of the Court using the MiFile System which will send notification of such filing to counsel of record.

/s/ Timothy J. Jordan
Timothy J. Jordan (P46098)
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